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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1494 (2003) of 30 July 2003, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 January 2004 and requested me to report three months from the date of the adoption of the resolution. It provides an update of the situation in Abkhazia, Georgia, since my previous report, dated 21 July 2003 (S/2003/751).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. Major General Kazi Ashfaq Ahmed (Bangladesh) continued to serve as the Chief Military Observer. The strength of UNOMIG as at 1 October 2003 was 117 military observers (see annex).

II. Political process

3. During the reporting period, UNOMIG continued to work on the three sets of issues — economic cooperation, return of refugees and internally displaced persons, and political and security matters — identified as key to advancing the peace process at the United Nations-chaired brainstorming session of the Group of Friends in February (see S/2003/412, para. 3). The Mission also contributed expertise to the bilateral Georgian-Russian working groups established in accordance with the agreements reached by the Presidents of Georgia and the Russian Federation in March 2003 (see S/2003/412, para. 5) to assist with the implementation of the tasks put forward by the Group of Friends. While they were of value in themselves, ultimately all these activities were aimed at bringing about meaningful negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter (see S/2002/88, para. 3).

4. Throughout the reporting period, my Special Representative maintained a regular dialogue with the two sides and with representatives of the Group of Friends, both in Tbilisi and in their respective capitals, to move the peace process forward. At the end of July, she held separate meetings in Geneva and New York with representatives of each of the countries constituting the Group of Friends. She also met with the troop-contributing countries in New York. In early October, she had

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consultations in Moscow with the Special Representative of the President of the Russian Federation for the Georgian-Abkhaz conflict, First Deputy Foreign Minister Valery Loshchinin.

5. On 21 and 22 July, senior representatives of the Group of Friends convened in Geneva for a second meeting under the chairmanship of the Under-Secretary-General for Peacekeeping Operations and with the participation of my Special Representative to review progress on the above sets of key issues. At the meeting, the Group of Friends expressed support for the substantive work being done on those issues, including the preparations for the deployment of a UNOMIG civilian police component and the further exploration of the issue of security guarantees. They made a number of additional proposals, in particular for my Special Representative to explore with the sides how administrative arrangements in the Gali district could be made more conducive to the sustainable return of refugees and internally displaced persons.

6. In an important step forward, for the first time representatives of the Georgian and Abkhaz sides participated in part of the meeting. Their involvement, in a positive spirit, greatly enhanced the understanding of the Group of Friends on concerns vital to the parties. The sides were committed to further cooperation and agreed to join the Group of Friends again towards the end of the year to review progress and explore future steps. The sides also reacted positively to the suggestion of a joint visit to a post-conflict situation in order to study best practices. Accordingly, UNOMIG has made arrangements to visit Bosnia and Herzegovina and Kosovo, Serbia and Montenegro, in mid-October.

7. At the meeting, the Georgian side stressed the need at present for measures to support and promote the process of return to the Gali district, in particular in the areas of security, human rights protection and language of instruction, as outlined in the joint assessment mission of 2000 (see S/2001/59, annex II), the Yalta Declaration and Programme of Action of 2001 (S/2001/242, annex; see also S/2001/401, para. 6) and the security assessment mission of 2002 (S/2003/412, para. 16). It noted, in particular the importance of opening a Gali branch of the United Nations Human Rights Office in Abkhazia, Georgia. As a long-term measure, the Georgian side advocated a joint interim administration in the Gali district under international supervision.

8. The Abkhaz side stressed in particular its security concerns and the need for a mechanism to ensure the non-resumption of hostilities. It expressed its willingness to constructively address humanitarian questions related to refugee return and to consider the opening of a Gali branch of the human rights office, as well as involvement by the Office of the United Nations High Commissioner for Refugees (UNHCR) in the registration of returnees, provided that those issues were not politicized. The Abkhaz representatives also expressed general support for the 2001 Yalta decisions and the recommendations of both the joint assessment mission and the security assessment mission.

9. Despite these signs of positive engagement by the Abkhaz side, it continued to persist in its refusal to receive the paper on competences and its transmittal letter and, likewise, remained negatively disposed towards including the core political issue of the conflict in any negotiation framework, referring to its unilateral declaration of independence of 1999 (see S/1999/1087, para. 7). The continued lack of progress on this key question prompted the Georgian Parliament to adopt a

resolution on 16 July calling for peace enforcement measures under Chapter VII of the Charter of the United Nations.

10. My Special Representative, in consultation with the two sides and the Tbilisi-based representatives of the Group of Friends, continued preparations for a second meeting on security guarantees as a follow-up to the dialogue launched on this issue in July (see S/2003/751, para. 5). Concurrently, in an effort to address the deteriorating security situation in the zone of conflict, particularly in the Gali district, on 8 October my Special Representative convened a high-level extraordinary meeting on security matters with the participation of the two sides and the Commonwealth of Independent States (CIS) peacekeeping force. A protocol was signed that provides, among other things, for cooperation between the sides and immediate measures to stop criminal activities, irrespective of their character, which have a serious impact on the security situation; exchange of information on such crimes; and a commitment to ensure that perpetrators will be brought to justice. In the protocol, the sides also pledged cooperation with the Mission's incoming civilian police component (see para. 24) and agreed to meet in December to review the efficiency of existing security mechanisms.

11. Pursuant to the Sochi agreements (see S/2003/412, para. 5), on 31 July the Georgian-Russian bilateral working group on the return of refugees and internally displaced persons held its second meeting, in Tbilisi (see S/2003/751, para. 4). UNOMIG and representatives of the Tbilisi office of UNHCR contributed substantially to the discussion, in particular with regard to international standards for safe and dignified return. The Georgian side continued to insist on the establishment of a joint interim administration in the Gali district under international supervision. The Russian side emphasized, however, that such a proposal would not be acceptable to the Abkhaz side, which is not, at present, a participant in the working group.

12. The efforts of UNOMIG were affected by events in both Sukhumi and Tbilisi. On 30 September, the Abkhaz side celebrated the tenth anniversary of the takeover of Sukhumi as "independence day". Tbilisi marked the day as one of mourning for the victims of the 1992/93 armed confrontation. On the eve of the anniversary, my Special Representative appealed to both sides to refrain from acts that could destabilize the situation and impede the peace process. During the reporting period, the Georgian side continued to protest against the organized campaign by the Abkhaz to acquire Russian citizenship; the reopening of a Sochi-Sukhumi maritime connection, in addition to the Sochi-Sukhumi railway; the flow of private, mainly Russian, investment; and the signing by the Abkhaz side of cooperation agreements with administrative units of the Russian Federation in September. The Abkhaz side, for its part, continued to be disturbed by the militant rhetoric of some Georgian politicians implying that a military solution for the conflict was not excluded.

13. At their summit meeting, on 19 September, the CIS Heads of State adopted a statement reaffirming their commitment to not support secessionist regimes and to not engage in economic operations or in official contacts with the Abkhaz side without the consent of the Georgian authorities, as set out in documents adopted by the Council of CIS Heads of State in 1995 and 1996.

III. Operational activities

14. UNOMIG military observers continued to perform their mandated tasks through the conduct of daily ground patrols in the Gali and Zugdidi sectors. Patrols of the Kodori Valley remained suspended following the kidnapping of four UNOMIG personnel on 5 June 2003. UNOMIG has completed its investigation into the incident, and consideration is now being given to the resumption of patrols, conditional upon the implementation of more robust security measures and a demonstrable commitment by the Georgian authorities to ensure the security of UNOMIG staff. Aerial patrolling also remained suspended as a result of ongoing concerns about security. Administrative flights continued along specially designated air corridors over the Black Sea. Security procedures for observer patrols in the Gali district were strengthened in the lead-up to the Abkhaz celebrations on 30 September.

15. Two violations of the 1994 Moscow Agreement (S/1994/583 and Corr.1, annex I) were recorded. On 23 July, a Georgian National Guard convoy carrying 30 military personnel armed with personal weapons travelled through the security zone on the way to Mestia, near the Georgian border with the Russian Federation. UNOMIG raised the violation with the Georgian authorities and called upon the National Guard to use a different route in future. However, the convoy used the same route on its return to Tbilisi on 29 July. UNOMIG lodged a protest. Separately, on 26 August, the Georgian armed forces conducted a joint military exercise at the Kulevi training area, which is partly located in the restricted-weapon zone. Military personnel and equipment — introduced into the restricted-weapon zone in violation of the 1994 Moscow Agreement — were withdrawn after UNOMIG lodged a protest with the Georgian authorities.

16. The quadripartite joint fact-finding group continued to investigate violent incidents, with the active participation of all parties. Seven cases are currently under investigation by the group.

17. Weekly quadripartite meetings have continued to bring the two sides together with the Chief Military Observer and the Commander of the CIS peacekeeping force to discuss priority issues of concern, particularly those related to security. By providing a forum for the discussion of those issues, and where appropriate their referral to the joint fact-finding group, the meetings have played an important role in defusing tension and promoting understanding and cooperation between the sides. Most recently, UNOMIG has used the meetings — in addition to other appropriate consultative forums — to urge the sides to refrain from violence during the 30 September Abkhaz celebrations and the upcoming Georgian elections.

Kodori Valley

18. In the absence of its own patrol presence, UNOMIG relied on reports from the CIS peacekeeping force and the two sides for details of the situation in the Kodori Valley. Those corroborative reports indicate that the situation in the Valley throughout the reporting period was calm and without serious incident. The dispute between the sides over the legality of the armed presence in the Georgian-controlled upper part of the Valley continued, with the Abkhaz side maintaining that the armed personnel were troops and therefore constituted a violation of the 1994 Moscow

Agreement, and the Georgian side asserting that they were border guards and local reservists, which were not prohibited by the Agreement.

Gali sector

19. Overall, the situation in the Gali sector was assessed by UNOMIG as generally calm but unstable, with occasional periods of heightened tension associated with violent attacks on the local population. During the reporting period, 10 people were killed in 6 separate incidents; there were also 3 kidnappings, 14 robberies and 6 shootings. The most significant incident was the killing of four Abkhaz de facto customs officers and the wounding of three others in an ambush near the village of Tagiloni, close to the ceasefire line in the Gali district, on 4 August. One month later, on 5 and 6 September, Abkhaz de facto customs officers were accused of beating a number of residents of Tagiloni. The joint fact-finding group established that beatings had taken place, and Abkhaz authorities promised that disciplinary action would be taken once those responsible had been identified.

20. Elsewhere in the Gali district, one fisherman was killed and two others were taken hostage on 30 July (both were later released unharmed); a 55-year old woman was killed during a robbery and two young men were found dead in lower Gali on 11 August; and an anti-tank mine was found beside a road near the ceasefire line and later removed on 3 September. Abkhaz military and CIS peacekeeping forces, deployed in separate checkpoints in the Gali district, reported coming under fire on 11 and 13 September respectively; no casualties were reported in either incident, and in both cases the perpetrators fled when gunfire was returned. Efforts by local law enforcement agencies in the Gali district to counter the level of criminal activity — including four search operations conducted in the upper and lower parts of the Gali district — continued to prove largely unsuccessful.

Zugdidi sector

21. Most of the incidents that took place in the Zugdidi sector, which was assessed by UNOMIG as being generally calm, involved local residents protesting against the lack of services or infrastructure. There were two demonstrations and two blockades at the Mission's Zugdidi headquarters by local residents protesting against electricity outages. On 19 August a UNOMIG patrol was stopped by the residents of Darcheli village in protest against the failure of authorities to repair local roads, most of which are in poor condition. The issue has been brought to the attention of Georgian authorities, who have been asked to take appropriate steps to guarantee the security and freedom of movement of UNOMIG personnel and patrols. There were other security incidents as well, although not as numerous as those in the Gali sector: three killings, three abductions and eight robberies were reported. In a serious incident, a soldier of the CIS peacekeeping force was abducted by unknown assailants from the Zugdidi market on 27 September. He was released on 30 September following an operation by the CIS peacekeeping force. The Georgian Ministry of Foreign Affairs protested against the unilateral actions of the CIS peacekeeping force. Local law enforcement chiefs have estimated that, in keeping with previous years, crime figures will likely increase as the harvest season progresses.

22. In a separate incident, Zurab Lakerbaia, the Executive Secretary of the Georgian-Abkhaz Bilateral Coordination Commission, which works closely with UNOMIG within the United Nations-led Coordinating Council mechanisms, was shot and seriously wounded by unknown assailants in Tbilisi on 25 September. Georgian authorities have launched an investigation into the incident.

IV. Cooperation with the collective peacekeeping forces of the Commonwealth of Independent States

23. UNOMIG and the CIS peacekeeping force have continued to work together closely, at both the Headquarters and sector levels. Regular staff meetings at the working level complemented the frequent exchanges of my Special Representative and the Chief Military Observer with the Commander of the CIS peacekeeping force.

V. Policing issues

24. Following the approval by the Security Council of the addition to UNOMIG of 20 international civilian police officers to strengthen the Mission's capacity to carry out its mandate, steps have been taken to select the first group of officers for deployment in October 2003 (see S/2003/751, para. 19). Efforts are also under way to identify and deploy the remaining members of the civilian police component. Once deployed, the 20 civilian police officers will advise UNOMIG civilian and military leadership on law enforcement issues; coordinate and facilitate assistance in training and equipment for the local law enforcement agencies; monitor and provide on-the-job training and advice to local law enforcement agencies; and facilitate cross-ceasefire-line cooperation through joint activities and on-the-job training.

VI. Human rights and humanitarian situation

25. The precarious human rights situation in Abkhazia, Georgia, has deteriorated in the wake of the killing of Abkhaz de facto customs officers near the ceasefire line on 4 August and the subsequent beating of local residents in the same area one month later (see para. 19 above). Additional reports of assault or harassment of local residents by uniformed Abkhaz personnel in the Gali district were also recorded. Similarly, there were reports of maltreatment at the Gali pre-trial detention centre. The United Nations Human Rights Office in Sukhumi has stepped up its presence in the Gali district to an average of two to three days per week. Nevertheless, the absence of a full-time presence continues to hamper the efforts to raise awareness of and adherence to human rights principles, underscoring the importance of opening a Gali branch of the Human Rights Office. Human rights officers continued to provide advisory services to the local population. Many individuals visiting the office complained about loss of property rights.

26. International agencies and non-governmental organizations (NGOs) continued their activities aimed at providing food, medical and infrastructure assistance to those most in need. The HALO Trust continued to perform mine clearance and mine-awareness training. UNOMIG completed 11 quick-impact projects aimed at

improving conditions for displaced persons and also continued to repair roads and bridges to improve access for its patrols. UNHCR, in cooperation with local authorities and beneficiary communities, has continued to rehabilitate local educational infrastructure with its ongoing repairs of 10 school buildings in Abkhazia, Georgia, including 6 in the Gali district. More than 1,500 schoolchildren are expected to benefit from current UNHCR activities in the region; this is in addition to the approximately 13,800 pupils who benefited from the UNHCR school rehabilitation projects in 2001 and 2002. UNHCR also continued to provide food and non-food assistance to more than 270 vulnerable and elderly persons in Sukhumi. An additional allocation of €2.2 million by the European Community Humanitarian Office in September will permit the continuation of programmes designed to enhance the food security of vulnerable families on both sides of the ceasefire line. Those programmes are being implemented by the Spanish NGO Acción Contra el Hambre (ACH) and the International Committee of the Red Cross. ACH has also been selected to implement a World Food Programme "food-for-work" project aimed at community mobilization and improvement of food security for 13,550 vulnerable families through the rehabilitation of agricultural potential and a project funded by the Swiss Agency for Development and Cooperation for community development. Première urgence, a French NGO funded by the Swiss agency, continued to improve the quality of selected individual and collective housing. The United Nations Development Fund for Women continued to work with local NGOs in Abkhazia, Georgia, to promote the roles, responsibilities and rights of women.

VII. Support issues

27. UNOMIG has comprehensively reviewed its security procedures in the wake of the attack on the United Nations headquarters in Iraq. Additional security measures have also been introduced in the lead-up to the 30 September Abkhaz celebrations and the upcoming Georgian elections. Construction at the container office complex at the UNOMIG compound in Sukhumi, which provides additional perimeter security, is almost complete, with all but one office relocated.

VIII. Financial aspects

28. By its resolution 57/333 of 18 June 2003, the General Assembly appropriated an amount of $32,092,900 (gross), equivalent to $2,674,408 per month, for UNOMIG for the period from 1 July 2003 to 30 June 2004. The financial requirements related to the additional civilian police component deployed to UNOMIG, as indicated in paragraph 24 above, would be absorbed within the approved budget for the period from 1 July 2003 to 30 June 2004.

29. As at 31 August 2003, unpaid assessed contributions to the UNOMIG Special Account amounted to $20.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1.5 billion.

IX. Observations

30. The period under review was marked by the Mission's determined efforts to move the implementation of the proposals and agreements of the Geneva brainstorming sessions and the Sochi summit forward. The presence of both sides, for the first time, at the United Nations-chaired high-level brainstorming session in July is a welcome development in the peace process. It signals the sides' readiness to engage constructively on areas of key concern. Although the core political issue — the future status of Abkhazia within the State of Georgia — was not addressed in a substantive way, the Abkhaz side has shown some positive signs of its commitment to the peace process by attending the high-level meeting in Geneva, engaging in a meaningful dialogue with the Georgian side and the Group of Friends on the issue of security guarantees and by accepting the recommendations of the 2002 security assessment mission. I welcome the sides' commitment to join the Group of Friends again at its next deliberations and to help outline further steps that will ultimately lead to a comprehensive political settlement.

31. It is important that the momentum gained since February not be lost. With the support of UNOMIG and UNHCR, the sides should continue to advance on the issue of return, among others, on the basis of the 1994 quadripartite agreement on voluntary return (S/1994/397, annex II), and seriously work towards the further implementation of the recommendations of the joint assessment mission to the Gali district. Both sides, in particular the Abkhaz side, should cooperate fully in the realization of the recommendations made by the security assessment mission, including cooperation with the UNOMIG civilian police component and the opening of a Gali branch of the Human Rights Office, which will help create the proper security conditions for the sustainable, safe and dignified return of refugees and internally displaced persons.

32. I am hopeful that practical cooperation on matters of mutual interest will further contribute to a climate of trust between the two sides. However, in order to achieve lasting stability and security, the political issue at the heart of the conflict must ultimately be addressed. The paper on the distribution of competences, which has the full support of all members of the Group of Friends and the Security Council, is a useful basis for such negotiations and provides a workable platform for addressing the legitimate concerns of both sides. The Abkhaz side should seriously review its negative position on this issue, and I strongly urge the sides, in particular the Abkhaz side, to enter into a meaningful dialogue on the core issue of the conflict.

33. The security of UNOMIG personnel remains a salient concern. The failure to identify and bring to justice any of the perpetrators of criminal acts against the Mission's personnel, including the shooting down of a UNOMIG helicopter in 2001, is not acceptable. Regrettably, the Abkhaz side continues to refuse the Georgian authorities access to the helicopter crash site, which impedes finalization of the investigation of the incident. I remind both sides once again of their responsibility to ensure safety and security for UNOMIG personnel at all times and urge them to enhance cooperation in this area.

34. Finally, I wish to express my appreciation to Ms. Tagliavini, my Special Representative, Roza Otunbayeva, her Deputy, and Major General Ashfaq, the Chief Military Observer, for their determined and hard work in support of the parties'

efforts towards a lasting settlement of the conflict in Abkhazia, Georgia. Their efforts, dedication and leadership continue to earn the respect of both sides and ensure that UNOMIG remains a dynamic and effective mission. I commend all men and women of UNOMIG for their persistent and courageous work under difficult and often dangerous circumstances.

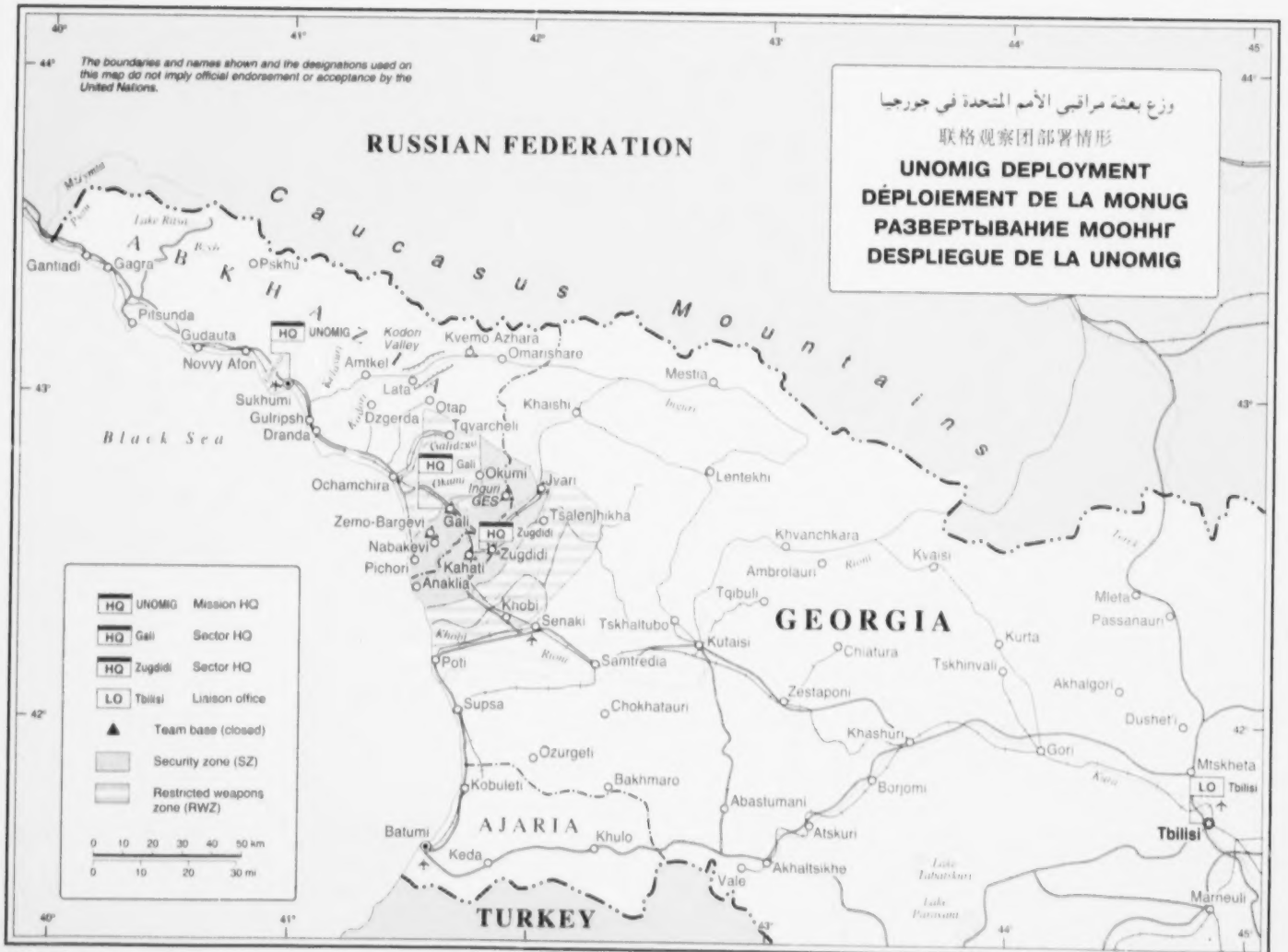
Annex

Countries providing military observers

(as at 1 October 2003)

Country	*Number of military observers*
Albania	3
Austria	2
Bangladesh	9[a]
Czech Republic	5
Denmark	6
Egypt	3
France	3
Germany	11
Greece	5
Hungary	7
Indonesia	4
Jordan	7
Pakistan	9
Poland	4
Republic of Korea	7
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**117**

[a] Includes Chief Military Observer.



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